



## Luxembourg

### Country Reports on Human Rights Practices - [2002](#)

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Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

Civilian authorities maintained effective control of the only security forces, the Grand Ducal Police.

The country had a market economy with active industrial and service sectors. The population was approximately 439,500. The standard of living and the level of social benefits were high.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Domestic violence was a problem. Women were trafficked for sexual exploitation. Luxembourg was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately in prisons. Juveniles and adults imprisoned for minor crimes at times were held together (but in separate cells). Pretrial detainees were not held separately from convicted criminals.

A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the penitentiary in Schrassig to cope with the inmates' medical and psychological problems. There were two suicides reported during the year at the prison. In September "senior" prisoners wrote an open letter complaining about bad treatment from the surveillance personnel, the prison administration, and the poor conditions.

The Government permits prison visits by independent human rights observers, although according to prison officials and Amnesty International, no such visits were requested during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government did not employ it in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts heard more serious cases. The Youth and Guardianship Court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

A total of six daily and three weekly newspapers were published. While independent, all but one had an editorial line slanted toward a major political party. One domestic radio and television station, partially owned by the State, broadcast in the country. There were three other independent radio stations and one independent television station.

Internet access was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedom of assembly and association, and the Government generally respected these rights in practice. The Government required and routinely issued permits for public meetings and demonstrations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion, but the State provided financial support to some churches. Specifically it paid the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments

maintained sectarian religious facilities. The Government has not acted on longstanding Anglican and Islamic requests for government funding. (According to the Government, the Anglican Church submitted a "complete request" in 1998; the Islamic request was an inquiry and was not considered a formal request.)

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provided first asylum.

In March 2001, the Government invited certain persons residing in the country without legal status to legalize their situations. Of the 2,886 applications received, the Government granted legal status to 1,839 persons, and refused legal status to 972 persons. The remaining 75 cases were still pending at year's end. In July the Government pledged to expel several thousand refugees from Montenegro who reportedly did not qualify for asylum status, which it began doing in August, once it had received the refugees' papers from their home country.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every five years.

There were eight women in the 60-member legislature, and four women in the 14-member Cabinet.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits racial, sexual, or social discrimination, and the Government enforced these provisions.

##### Women

Domestic violence was a problem. In 2001 shelters provided refuge to 403 women and 401 children, compared with 362 and 413, respectively, in 2000. The law does not specifically prohibit domestic violence. The law does allow for an abuser to be forced to leave the family home, thereby giving the victim a place to stay. In addition, the Government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 4,358 telephone calls in 2001, an increase from 2000 levels when 3,724 telephone calls were received. The Government funded organizations that provided shelter, counseling, and hot lines. Women were trafficked for sexual exploitation (see Section 6.f.).

Women enjoyed the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women had a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cited the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. There were no work-related discrimination lawsuits. Women constituted 33 percent of the work force.

## Children

The Government was strongly committed to children's rights and welfare; it amply funds a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling was free through the secondary level, and the Government provided some financial assistance for postsecondary education.

There was no societal pattern of abuse of children. A physicians' organization estimated that approximately 200 cases of child abuse that required treatment in hospitals each year resulted in legal proceedings. The Government's hot line for young persons in distress received 557 calls during the year.

A 1999 law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

## Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government assisted persons with disabilities obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas were fixed according to the total number of employees; employers who did not fulfill them were subject to sizable monthly fines. The Government provided subsidies and tax breaks for employers who hired persons with disabilities. There were no known complaints of noncompliance with the disability laws. However, despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government paid subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles were modified to accommodate persons with disabilities.

## Section 6 Worker Rights

### a. The Right of Association

All workers had the constitutional right to associate freely and choose their representatives, and they exercised this right in practice. Of the working population, 57 percent belonged to a trade union. Membership was not mandatory. Unions operated free of governmental interference. The two largest labor federations were linked to, but organized independently of, major political parties.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal may fine an employer found guilty of antiunion discrimination, but it may not require the employer to reinstate a worker fired for union activities.

Unions maintained unrestricted contact with international bodies.

### b. The Right to Organize and Bargain Collectively

The law provides for and protects collective bargaining, which was conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitored the enforcement of child labor laws.

e. Acceptable Conditions of Work

The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 was \$8.65 (8.26 euros) per hour for unskilled workers, and \$10.39 (9.92 euros) per hour for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay was required for overtime or unusual hours. Employment on Sunday was permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries requested permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage, or be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers received at least five weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

Foreign workers were protected equally by law.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women for sexual exploitation reportedly was a problem.

The Penal Code provides for 5 years' imprisonment for trafficking; however, no one had been arrested or prosecuted on trafficking charges by year's end. In February 2001, the Chamber of Deputies debated the Government's policy that granted limited entry visas and special work permits to nearly 1,000 women a year, mainly from Eastern Europe, to work as performers in cabarets. In order to receive the visas, the women must sign a contract in their own language regarding their rights, and they were given an emergency telephone number to call if needed. However, no reforms were passed by year's end.

Luxembourg was a destination country for trafficked women. Most women trafficked into the country came from Russia, Ukraine, Hungary, and Romania and worked in cabarets.

According to the Ministry of the Promotion of Women, there were no government prevention campaigns, and no government services for victims. Women traveling to the country on an "artiste" visa were given an emergency number to call if needed. One NGO dealt with the problem but the Government did not provide funding to foreign or domestic NGO's for services to victims. However parliamentary commissions were discussing ways to address these problems.

In October the Ministry for the Advancement of Women, in cooperation with the German NGO Solwodi (Solidarity with Women in Distress), French (Mouvement du Nid), and Luxembourg (Fondation Maison de la Porte Ouverte), held a seminar on trafficking awareness. Their aim was to establish a transborder network for the protection of the victims of women and children trafficking.